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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GARY HAWKINS,  
  
Plaintiff,  
  
vs.  
  
MEDTRONIC, INC.; MEDTRONIC SOFAMOR  
DANEK USA, INC.,  
  
Defendants.

No.: 1:13-cv-00499 AWI SKO  
  
**STIPULATION AND ORDER TO  
CONTINUE DEFENDANTS MEDTRONIC,  
INC. AND MEDTRONIC SOFAMOR  
DANEK USA, INC.'S LAST DAY TO FILE  
ANSWER TO PLAINTIFF'S FIRST  
AMENDED COMPLAINT**  
  
Compl. Filed: April 4, 2013  
  
Honorable Sheila K. Oberto

1 **STIPULATION**

2 Pursuant to Local Rule 144(a), which allows parties to stipulate to the continuance of the  
3 defendant’s last day to file responsive pleadings to a complaint by a period of no more than 28 days  
4 without Court approval, Plaintiff Gary Hawkins (“Plaintiff”) and Defendants Medtronic, Inc., and  
5 Medtronic Sofamor Danek USA, Inc. (collectively “Defendants”), by and through their respective  
6 attorneys or record, stipulate and agree as follows:

7 On November 20, 2014, the Court issued its Order, granted in part and denied in part  
8 Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint. (*Doc. No. 67.*) All claims that  
9 the Court dismissed pursuant to its Order were dismissed without leave to amend. (*Id.*)  
10 Accordingly, pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Defendants’ last day to file  
11 responsive pleadings to Plaintiff’s First Amended Complaint is December 4, 2015.

12 Plaintiff and Defendants have agreed to continue Defendants’ last day to file responsive  
13 pleadings to Plaintiff’s First Amended Complaint to December 30, 2014.

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**IT IS HEREBY STIPULATED THAT:**

Defendants' last day to file responsive pleadings to Plaintiff's First Amended Complaint is continued to December 30, 2014.

Dated: November 25, 2014

WALKUP, MELODIA, KELLY &  
SCHOENBERGER

By /s/Khaldoun A. Baghdadi  
Khaldoun A. Baghdadi  
Sara M. Peters  
  
Attorneys for Plaintiff  
Gary Hawkins

Dated: November 25, 2014

REED SMITH LLP

By /s/Michael K. Brown  
Michael K. Brown  
Mildred Segura  
Courtland C. Chillingworth  
  
Attorneys for Defendants  
Medtronic, Inc. and  
Medtronic Sofamor Danek USA, Inc.

**ORDER**

Pursuant to the parties' stipulation, Defendant shall file a responsive pleading on or before December 30, 2014.

IT IS SO ORDERED.

Dated: December 2, 2014

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE